THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.25216 of 2003

Dated: 09-08-2006

Between:

Chaitanya Mahila Welfare Association, Hyderabad,
and two others.

..... PETITIONERS

AND

The Mandal Revenue Officer, Chatkesar,
Ranga Reddy District, and two others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.25216 of 2003

ORDER:

Chaitanya Mahila Welfare Association, a registered society, and its organizing secretary as well as a member filed the present writ petition seeking a writ of Mandamus directing the respondents not to allot plots/house sites in survey No.66/1 situated at Kachavani Singaram Village, Ghatkesar Mandal in Ranga Reddy District. It is the case of the petitioners that there are more than hundred members in the first petitioner-association. All the members allegedly belong to poor and weaker sections of the society, BC, SC and ST communities and were eking out their livelihood as labourers. In 1984-1985, they applied to the first respondent, the Mandal Revenue Officer(MRO), Ghatkesar, for allotment of house sites in the land comprised in said survey number. After considering the same, MRO issued pattas on 23-05-1984 to ninety one members of the first petitioner-association vide plot Nos. 326 to 416. Nevertheless the plots were not handed over to the allottees, even after the representatives of the first petitioner-association allegedly approached the respondents on umpteen times. In 2003, the petitioners having learnt that the respondents are taking steps to allot land in said survey number to other persons (other than the members of the first petitioner-association), they filed the present writ petition.

Though the writ petition was admitted on 03-12-2003 and interim orders were passed in W.P.M.P.No.31773 of 2003 by this Court directing the respondents not to assign lands to others, the respondents have not filed counter-affidavit. The matter was adjourned on 18-07-2006,
25-07-2006 and 01-08-2006. After hearing the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (Assignment), this Court thought it fit to adjourn the matter to enable the learned Assistant Government Pleader to get instructions regarding the latest position *vis-à-vis* the land in said survey number. After obtaining further instructions, the learned Assistant Government Pleader brought to the notice of this Court that as per the recent policy of the Government unveiled in Government Memo No.27221/Assn.V(1)/2005-1 dated
10-06-2005, no more house sites are to be given to the landless poor persons for construction of houses in the vicinity of Hyderabad and that all pending cases for house site pattas are to be considered under the group housing programmes as per their eligibility. He also submits that at present a group housing scheme under Rajiv Gruha Kalpa scheme has been started in Ammojiguda village, Ghatkesar Mandal and if the

members of the first petitioner-association make representations/applications, their applications will be considered by MRO as per their eligibility.

There is no denial that the members of the first petitioner-association were issued house site pattas on 23-05-1984, but whatever be the reason possession of the land was not handed over to them. The first petitioner-association made number of representations during these years, some of which are annexed to the writ petition. Be that as it is, now that house site pattas cannot be assigned as per the recent policy of the Government of Andhra Pradesh, no direction can be granted to the Government to go against their policy decision. The first petitioner-association asserts that all its members belong to BC/SC/ST/minorities and economically backward communities. If that be so, MRO has to consider their request for allotment of houses under Rajiv Gruha Kalpa scheme in Ammojiguda Village, provided the members of the first petitioner-association satisfy the conditions of eligibility. There is no denial that members of the first petitioner-association have not made applications so far. Two weeks time is granted to the petitioners and other the members of the first petitioner-association to make applications individually for allotment of constructed houses under group housing programme - Rajiv Gruha Kalpa scheme at Ammojiguda village. As and when such applications are made, MRO shall consider the same as per their eligibility and take necessary action in the matter. MRO shall complete this exercise within a period of eight weeks from the date of submission of such applications.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

_____

(**V.V.S.RAO, J**)

9th August, 2006
ghn